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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,982	12/21/2001	Andreas Engelsberg	10191/1974	6682
26646	7590	02/08/2005	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			VILLECCO, JOHN M	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,982

Applicant(s)

ENGELSBURG, ANDREAS

Examiner

John M. Villecco

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-19, 24, 26-28 and 35 is/are rejected.
- 7) ☒ Claim(s) 14-35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(o). Suitable descriptive legends are required for proper understanding of the drawings. Therefore, the blank boxes with reference numbers 10, 110, 120, 130, 200, 210, and 20, shown in Figure 1, and reference numbers 13, 30, 40, 50, 60, and 23, shown in Figure 3 should be labeled so the drawings can be properly understood.

Specification

2. The disclosure is objected to because of the following informalities:
- On page 3, lines 1 and 2 of the specification applicant recites the phrase "may rarely exhibits". This appears to be a typographical error and that the applicant meant to use the phrase – may rarely exhibit –.

Appropriate correction is required.

3. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. The specification appears to be a translation of a German patent and does not make much sense when translated into the English language.

Claim Objections

4. Claims 14-35 are objected to because of the following informalities:

- Claims 14-35 appear to be a translation from German into English. This translation is hard to follow and confusing to one of ordinary skill in the art. Because of this it is extremely hard for one of ordinary skill in the art to decipher what the applicant means by the wording of the claims. For instance, one of ordinary skill in the art would have trouble understanding what the applicant means by “determining a probability”. For examination purposes it will be assumed that the applicant is making a determination as to whether or not a motion vector is generated because of camera shake or an additional movement.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 14-19, 24, 26-28, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Egusa et al. (U.S. Patent No. 5,237,405).**

7. Regarding *claim 14*, Egusa discloses an image motion vector detecting device and swing correction device. More specifically, Egusa discloses a method for compensating for images due to camera shake, including for images that include moving objects. Egusa discloses several

Art Unit: 2612

embodiments that include a plurality of image regions for determining displacement and which are located at predetermined portions of the image. These preselected image regions would inherently have a preselected dimension. See Figures 55, 57, and 64. Additionally, Egusa discloses the ability to determine a motion vector for each image region for two frames of a video sequence. A correlation is determined and a reliability is judged. See column 33, line 60 to column 34, line 42. Furthermore, the motion detecting device is connected to a swing correcting means (38), which, after determining appropriate regions to use in developing a full screen motion vector, operates to control a memory means and CCD reading means to correct for the swing of the image (col. 33, lines 30-45).

8. As for **claim 15**, Egusa discloses using two consecutive images for correcting for the image swing (col. 33, lines 60-62). Additionally, Egusa discloses that only these two images are used in determining a motion vector of the preselected image regions. Furthermore, Egusa discloses that depending upon a reliability factor a regional displacement of at least one of the image regions is used in determining the displacement.

9. With regard to **claim 16**, Egusa discloses that the middle of the screen generally contains the motion of the subject, while movement due to camera shake is present at the outside of the image. See col. 45, lines 61-68.

10. As for **claim 17**, as mentioned above Egusa discloses that the center of the image mainly contains the subject. Therefore, when used in the embodiment discussed above, the center image region would primarily contain the subject.

11. Regarding **claim 18**, Egusa discloses the ability to determine a reliability factor for determining the regional displacement. See column 33, line 60 to column 34, line 34.

Art Unit: 2612

12. With regard to **claim 19**, Egusa discloses an embodiment in which three image regions are used for the image correction. See Figure 55. The two outside image regions are interpreted to be the first image regions and the middle image region is interpreted to be the second image region. In performing the correction Egusa discloses that the displacement can be determined by only a regional displacement of the middle image region if the two outside regions are deemed to be unreliable.

13. As for **claim 24**, Egusa discloses that the regional displacement is determined by a block-matching method.

14. **Claim 26** is considered to be substantively equivalent to claim 14. Please see the discussion of claim 14 above.

15. As for **claim 27**, Egusa discloses using a first and second consecutive image data in determining a displacement.

16. With regard to **claim 28**, Egusa discloses using a first and second consecutive image data in determining a displacement. In this case the first image is interpreted to be a starting image data and the second image is interpreted to be a first image data.

17. As for **claim 35**, Egusa discloses determining displacement vectors.

Allowable Subject Matter

18. Claims 20-23, 25, 29-34 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

19. The following is a statement of reasons for the indication of allowable subject matter:

Art Unit: 2612

Regarding *claim 20*, the primary reason for indication of allowable subject matter is that the prior art fails to teach or reasonably suggest that the method is used for head-shoulder recording wherein the two first image regions are in a lateral region to the left and right of a vertical center line of the image, or that a distance of the two first image regions from a bottom image margin is greater than another distance of the two first image regions from a top image margin.

As for *claim 21*, the primary reason for indication of allowable subject matter is that the prior art fails to teach or reasonably suggest determining a correlation quotient for each of the two image regions, determining a threshold value function as a function of the region displacement of each of the regions, comparing the correlation quotient to a threshold value resulting from the threshold value function for a regional displacement, and determining a reliability factor of the determined regional displacement of the two image regions to be sufficient when the determined correlation quotient is greater than the threshold value of the threshold value function compared to the determined correlation quotient.

With regard to *claim 25*, the primary reason for indication of allowable subject matter is that the prior art fails to teach or reasonably suggest determining a reliability factor as described in the claim 25 claim language.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (703) 305-1460. The examiner can normally be reached on Monday-Thursday.

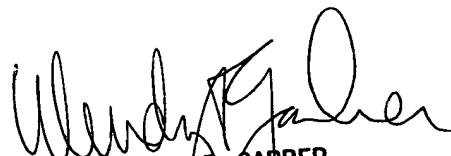
Art Unit: 2612

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John M. Villecco
February 4, 2005



WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600